



**To:** Senate Committee on Judiciary

**Date:** February 7, 2023

**Re:** support for SB 586

Dear Committee Members,

I am writing on behalf of Just Outcomes Consulting, Inc. to provide our support for the passage of SB 586. Just Outcomes is an Oregon-based restorative justice consultancy that partners with communities and organizations in reimagining just responses to harm and its causes. One of our interests is in expanding the capacity of Oregon's communities, organizations, and systems to respond to harm and crime restoratively. We believe that with expanded capacity, restorative justice can have a mitigating effect on existing overincarceration and disproportionality within Oregon's criminal justice system.

Restorative justice has shown numerous positive impacts for the criminal justice system and those it is meant to serve, including:

- **Restorative justice practices enhance participants' satisfaction with the justice system.** Studies have demonstrated that victims and offenders participating in victim-offender dialogue report a more positive perception of the justice system than those engaged solely with traditional court prosecution.<sup>i</sup>
- **Restorative justice relieves pressure on the justice system.** The evidence is clear that where restorative justice presents a viable diversionary option, an increased total number of chargeable offences can be brought to justice.<sup>ii</sup>
- **Restorative justice can reduce disproportionate minority representation within the criminal justice system.** Restorative justice encourages opportunities for criminal behavior and victimization to be addressed within the communities of those involved. This approach enables high degrees of cultural adaptability based on the individuals involved, seeking to empower families and communities (rather than criminal justice system professionals) as central figures in encouraging responsibility and accountability in persons who offend. Restorative justice is effective to this end where it represents a viable diversionary option for marginalized people accused of serious crimes.<sup>iii</sup>
- **Restorative justice helps reduce re-offending.** Research points to significant potential for restorative justice in crime reduction and desistance.<sup>iv</sup>
- **Restorative justice increases offender responsibility and compliance.** Studies show that compliance by offenders/accused with restorative justice agreements outperforms compliance with court orders by significant margins.<sup>v</sup>
- **Restorative justice increases satisfaction of crime victims.** Meta-studies indicate victims report satisfaction in 75% to 98% of cases involving conferencing and victim-offender dialogue. This is significantly higher than victim satisfaction with traditional judicial procedures.<sup>vi</sup>

The capacity for restorative justice to divert community members from the criminal justice system, and to have the positive impacts described here is partially reliant on a facilitator's ability to create safety for participants, and confidence in the process and system. It is so important to be able to tell participants and their legal supports, that confidentiality is legally protected. Confidentiality becomes even more important when exploring the function of pre-charge referrals to restorative justice, as both survivors' and offenders' rights must be protected.

In an effort to reimagine our responses to crime, its causes and its impacts, we urge you to pass SB 586 for all Oregonians. This added layer of legal protection for programs and the clients they serve will have a significant impact in the access to pre-charge diversion within communities, and concurrently the capacity for restorative justice to make a dent in the overincarceration and disproportionality in our criminal justice system.

Sincerely,

Matthew D Hartman  
Director and Lead Consultant

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<sup>i</sup> Mark Umbreit, Betty Vos, & Robert B. Coates, "Restorative Justice Dialogue: Evidence-Based Practice" (1 January 2006), *Center for Restorative Justice & Peacemaking, University of Minnesota*.

<sup>ii</sup> Lawrence W. Sherman & Heather Strang, *Restorative Justice: The Evidence*, (the Smith Institute, 2007) at 82.

<sup>iii</sup> California, California Senate Office of Research, *Restorative Justice as Diversion in California's Juvenile and Criminal Justice Systems: Potential Impacts and State Policy*, by Caitlin M. O'Neil, (2016), at 25.

<sup>iv</sup> Latimer et al, "The Effectiveness of Restorative Justice Practices: A Meta-Analysis" (2005), 85:2, *The Prison Journal*, at 137.

<sup>v</sup> Lawrence W. Sherman & Heather Strang, *Restorative Justice: The Evidence*, (the Smith Institute, 2007) at 58; Latimer et al, "The Effectiveness of Restorative Justice Practices: A Meta-Analysis" (2005), 85:2, *The Prison Journal*, at 137.

<sup>vi</sup> Lode Walgrave, "Investigating the Potentials of Restorative Justice Practice" (2011), 36:91, *Washington LJ*, at 110.